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*United States Marine Corps
Command and Staff College
Marine Corps University
2076 South Street
Marine Corps Combat Development Command
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MASTER OF MILITARY STUDIES

**Underfunded, Unprotected and Misused:
The Case for Restructuring the Air National Guard Under
The Department of Homeland Security**

SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR THE DEGREE OF
MASTER OF MILITARY STUDIES

AUTHOR:

Major Robert C. Damon III, United States Air Force – Delaware Air National Guard

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Mentor and Oral Defense Committee Member: Dr. Richard DiNardo

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Preface

This paper was inspired by the need to bring to the forefront the importance of the Air National Guard (ANG) in homeland security and crisis response. This paper is an attempt to develop a solution to help the ANG attain better financial support and maintain the air capabilities of the ANG for the protection and support to US national security.

I would like to acknowledge the efforts of Dr. Richard DiNardo for his guidance and counseling in preparing this paper. Additionally, I want to acknowledge the efforts of LtCol Jeff Tlapa and Dr. Jonathan Phillips for a year of professional and insightful education as my military and civilian faculty advisors.

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Executive Summary

Title: Underfunded, Unprotected and Misused: The Case for Restructuring the Air National Guard Under The Department of Homeland Security

Author: Major Robert C. Damon III, USAF, Delaware Air National Guard

Thesis: The best plan for preparing the Air National Guard for homeland security and to maintain its war fighting duties and capabilities is by structuring the National Guard under the Department of Homeland Security (DHS). Using the Coast Guard's dual agency cooperation as a model, structuring the Air National Guard into DHS will attain vital, necessary funding and representation, develop homeland security expertise throughout the organization, secure better protection of its resources and personnel, and provide better leadership and coordination to homeland security efforts therefore creating a legitimate, institutionalized role in homeland security and national defense.

Discussion: The full potential of ANG is not fully realized in the Department of Defense (DOD). Organizing ANG within DHS will enhance ANG's homeland security capabilities and ensure a ready force for reacting to crisis events. If DOD continues to neglect the readiness posture of the Air National Guard, the homeland security objectives acknowledged in the National Military Strategy, the Homeland Security Strategy and Quadrennial Defense Review cannot be fully achieved and will be detrimental to future capabilities. Placing the Guard into DHS will devise a successful program for using Guard assets for homeland security. One of the most important considerations that must be examined for ANG is the protection of its resources. By structuring the National Guard into DHS, funding and organization will ensure financial support for ANG assets and programs for increasing homeland security roles while still maintaining DOD functions for war. The US Coast Guard can be looked at as a successful homeland security funding model, even though the Coast Guard is a fully federalized organization without state obligations. A new regulation of law similar to The Homeland Security Act of 2002 will set the stage for ANG to be a foundational component of the US's homeland security force for homeland security missions. Placing ANG into DHS will produce ANG officers trained with the expertise for homeland security, crucial to mounting a serious defense of the homeland.

Conclusion: Placing ANG in DHS will protect the integrity of ANG's wartime responsibilities, secure better funding, protect ANG resources and develop a crisis management expertise throughout the ANG culture ultimately providing a cost effective homeland force available for defending and responding to the US homeland. Making the homeland the ANG's primary theater is a logical way to ensure a ready and trained military with a focus on homeland security missions. With DOD coveting ANG equipment and with large budget cuts looming, ANG is in danger of losing its functionality and therefore any availability to assisting DHS in homeland security. ANG will still be a vital part of National Defense and continue to operate its current federal roles but with the added emphasis on homeland security, ANG will then no longer have a secondary status in the Air Force and become a premier homeland agency.

The United States homeland is now considered a significant theater of war. The United States homeland faces the danger of a targeted attack on or within our borders against its civilians and infrastructure by a rogue state or terrorist organization. To protect our homeland, we need a cost effective yet capable, force ready to react to unpredictable adversaries or disasters. The Air National Guard (ANG) is the perfect blend of military capabilities and ties to state governments for fulfilling the homeland security role.¹ The ANG is a significant asset in both war and peacetime. It has the unique dual status role in the United States military as a service that operates under both federal control, under United States Code, Title 10, and state control, under Title 32. It has the ability to respond to a variety of missions and emergencies and is designed to assist state governors in times of crises. The ability of the Air National Guard to respond to crisis makes it a preeminent military organization to utilize for homeland security.

Since 9/11, the Air National Guard has been more integrated into the Total Force. As a result, it is more significant and relied upon for fighting our nation's wars than ever in its history. The National Guard can no longer be considered a back up force to be utilized as a secondary option or used only in a supporting role. However, The United States can no longer consider the Air National Guard a separate entity for use as an auxiliary force.

The Air National Guard contributes to our nation's wars in Afghanistan and Iraq to the extent that it has sacrificed its equipment and risked the civilian careers of its men and women who served their country. DOD has failed to recognize the toll that its policies have taken on the speed, capabilities and overall readiness posture of the Air National Guard's dual-purpose obligation. Consequently, the Air National Guard is in danger of losing its capabilities due to severe underfunding and lack of understanding on the part of the Active Duty Air Force and the Department of Defense who have attempted to pirate Air National Guard equipment, cut Air National Guard funding and failed to come up with a plan to replace vital equipment lost or

borrowed from active forces in operations overseas. The best plan for preparing the Air National Guard for homeland security and to maintain its war fighting duties and capabilities is by structuring the National Guard under the Department of Homeland Security (DHS). Using the Coast Guard's dual agency cooperation as a model, structuring the Air National Guard into DHS will attain vital, necessary funding and representation, develop homeland security expertise throughout the organization, secure better protection of its resources and personnel, and provide better leadership and coordination to homeland security efforts therefore creating a legitimate, institutionalized role in homeland security and national defense.

Stating the Problem

The reasons for organizing the Air National Guard into DHS start with the danger of its irrelevancy within DOD. With the proposed Air Force restructuring plan, 5100 of 9900 positions cut from the Air Force will come from the ANG.² If ANG units do not get the recognition they deserve, they cannot escape cuts. In addition, ANG units need more priority than they are getting in DOD. Homeland security is a large part of the ANG's future and will provide some renewed relevancy. Shifting the ANG to an entity of DHS will promote a greater purpose to homeland security while getting professional homeland security direction for its training and readiness therefore making the ANG a better-funded and further capable homeland response force. DOD focus is on conventional military operations, not civil support and as such, the full potential of the National Guard is not realized within this narrow vision. DOD cannot focus on both defense issues concerning our national security abroad and on homeland security. DOD focus on Iraq and Afghanistan has left the Air National Guard in a state of unpreparedness for large scale contingencies in the homeland with ill-equipped and untrained units.

If DOD continues to neglect the readiness posture of the Air National Guard, the Homeland Security objectives acknowledged in the National Military Strategy, the Homeland

Security Strategy and Quadrennial Defense Review (QDR), cannot be fully achieved and will be detrimental to the future capabilities of the armed forces as a whole to respond to a homeland attack or to a Hurricane Katrina type natural disaster. For example, the QDR 2010 addresses the roles of DOD and the National Guard in securing the United States homeland by emphasizing “supporting civil authorities at home through our partnership with the Department of Homeland Security, the Department of Defense will closely cooperate with other U.S. departments and agencies to better protect and advance America’s interests.”³ The National Guard under DHS could be the essential link between DOD, DHS and state and local authorities. The Air National Guard is a critical asset for applying a military capability to homeland security and the Air National Guard offers a superlative potential for meeting these QDR objectives.

Organizing the National Guard within DHS is the answer to establishing the National Guard as a key military leader for homeland response and homeland security missions. Establishing the National Guard as a part of DHS will develop homeland security expertise within the National Guard organization in order to unify the efforts brought forth by DOD, DHS and other involved agencies to achieve a common goal in preparing for the next emergency, attack or disaster facing the US homeland.

Roles of the Service Chiefs and ANG assets available to DHS

Meeting both ANG and DHS needs requires an evaluation of the roles both DOD and DHS should define for the ANG. The primary role of the Joint Chiefs of Staff (JCS) is to advise the president, the Secretary of Defense and the Secretary of the Department of Homeland Security. Now that the Chief of the National Guard Bureau (CNGB) has a seat in the JCS, the Secretary of Homeland Security will have the potential for direct access to the National Guard’s homeland capabilities.⁴ This presents the opportunity to integrate the NGB into DHS and to specify what the roles the Chief of Staff NGB and CSAF roles for the ANG will be. Placing

ANG into DHS will require policy changes and the roles of the Chief of the National Guard Bureau and the NGB itself will have to be modified.

The NGB does not have direct responsibility to organize, train, and equip the ANG for federal missions. That is the role of the Chief of Staff of the Air Force via the Secretary of the Air Force.⁵ However, now that the NGB chief has a seat on the JCS, he should have the capability to advise both the Department of the Air Force and DHS on what organization, training, equipment and funding are required to both achieve its Air Force missions as well as its newly defined roles in homeland security. The secretary of DHS and NGB should ensure that ANG has homeland policies for each state's ANG units within the ten FEMA regions.

The NGB, via the Department of the Air Force, ensures that ANG units and members are trained by the states in accordance with Department of the Air Force programs, policies and guidance and ensures ANG compliance to Air Force standards that support is available to the units to meet all requirements necessary for wartime readiness.⁶ However, for homeland security missions, ANG needs the same commitment from the DHS to meet the requirements of training, funding and equipment to fulfill the needs of homeland responses. Under DHS, the Chief of NGB will be the focal point of acquiring the equipment and funding necessary for making homeland security a robust role in the ANG. Currently, the NGB does not control funding that would go towards exercises, training programs, or to purchase civil support or homeland specific equipment. NGB has no guarantee that DOD will fund future civil support missions so there is no promise that the ANG can maintain the resources required to carry out homeland response mission. ANG funding comes from the Department of the Air Force.⁷ If NGB is going to be expected to play a major role in homeland security, DHS funding is required. Therefore, the Air Force should continue war preparation guidance as well as fund and equip the guard for its wartime functions under DOD while DHS prepares and funds the ANG for

homeland security. As it stands now, it is difficult for NGB to fund homeland initiatives without special grants from DHS or additional DOD appropriations. Overall, CNGB as the Joint Chief representing the NGB will advise both DHS and DOD on all matters related to the National Guard.

NGB is a sizable and relatively inexpensive force provider for homeland security. Because of its presence in every state, ANG will play a prominent role for homeland security in the future. According to CNGB McKinley, the National Guard, particularly the ANG, “provides approximately one half of the Air Force's tactical airlift support, combat communications functions, aero medical evacuations and aerial refueling. In addition, the Air National Guard has total responsibility for air defense of the entire United States.”⁸ ANG assets uphold 94 percent of the critical homeland and air defense capabilities. The mission certainly requires the skills and training afforded by DOD. These assets include F15, F16, F22, A10 and KC135 aircraft. The tactical airlift, rescue and medical evacuation capabilities utilize C-130, C-17, C-5 and C22 and C27 aircraft. Reconnaissance missions involve ANG RC26.⁹

ANG aircraft are available for use in wartime and homeland security missions requiring oversight and guidance by both DOD and DHS to guarantee planning, funding and proficiency. The CSAF will still hold the primary responsibility of ANG's federal mission to maintain well-trained, well-equipped units available for rapid mobilization during war while the Secretary of DHS will ensure NGB assistance to homeland security and disaster response. The role of the CNGB as a JCS member is to ensure that sufficiently prepared and equipped forces are available and ready for domestic and expeditionary overseas operations in accordance with national security objectives and priorities.¹⁰ Looking at how the US Coast Guard (USCG) operates in DHS may provide a view of how the ANG can effectively take on the homeland security requirements outlined in the QDR and NSS while still fulfilling its essential wartime functions.

Solution – Coast Guard as a Model for Structuring the Air National Guard under DHS

The Air National Guard, much like the Coast Guard, is a multi-mission military service. It performs several homeland security missions including humanitarian response missions, emergency response missions, and crisis management tasks. The Coast Guard is also fully integrated into active duty forces for operations in wartime missions overseas. The Homeland Security Act of 2002 set the stage for the United States Coast Guard to be a foundational component of our nation's homeland security force.¹¹ A possible solution to achieving homeland security development, attaining necessary funding, developing homeland security expertise throughout the organization, securing better protection of its resources and personnel, and to providing better leadership and coordination to homeland security efforts is by organizing the Air National Guard within DHS structure analogous to the approach the Coast.

Via the Homeland Security Act, Coast Guard resources were transferred to the Department of Homeland Security. It also arranged authority so that the use of Coast Guard personnel and assets by DHS did not affect the maintenance and performance of the Coast Guard's military missions under the United States Navy within DOD. Similarly, to structure ANG under DHS will require some clear and concise legal framework. However, the movement of the Coast Guard within DHS is a successful example of how the Air National Guard could obtain additional funding, resources and high-level representation for homeland security missions while maintaining funding for its wartime obligations and capabilities within the Air Force under DOD.

The US Coast Guard underwent a large change of mission priorities that included lasting port security and littoral control missions and moved into DHS structure in order to more effectively operate alongside other civilian agencies, such as FEMA and CBP, tasked with

controlling our national borders.¹² Through DHS, the Coast Guard is better funded and able to perform its law enforcement, emergency response and defense functions at sea. None of the conditional statutes under DHS restrict the Coast Guard's operations as a service of the armed forces in the Navy under DOD outlined in section 3 of Title 14, United States Code.¹³

Similarly, a directive that changes the Air National Guard to DHS would prioritize the National Guard as a premiere component of our nation's homeland security forces while enhancing its ability to get proper funding and limit the scope to which the active duty forces are able to pillage ANG assets in the wake of tighter defense budgets. By this method, DHS could provide ANG with devoted guidance and policy to better develop homeland security expertise and establish a distinct ANG role in homeland security missions. Correspondingly, the ANG would still operate under the Department of the Air Force within DOD in its wartime functional missions. However, restructuring the Air National Guard under DHS similar to the Coast Guard will finally adequately establish ANG's role in homeland security and support to civil authorities by providing the funding, guidance and priority necessary to establish ANG as a foremost military response capability for defending the US homeland.

Even though the Coast Guard operates under DHS authority, it is funded by both DOD and DHS. DHS funds the resources and acquires unique capabilities for its missions. The Navy under DOD identifies the priorities for the Coast Guard's national defense missions. The source of funding for the Coast Guard dictates the agency responsible for planning, requirements, identification, and resource allocation.¹⁴ Through this method, the Coast Guard is better funded and prioritized for homeland security tasks. Under this type of approach, DHS could then identify appropriate budget requirements for the effective allocation of Air National Guard resources. DHS would also acquire related civil support capabilities, oversee personnel requirements, conduct training, and ensure proper maintenance and equipment in order to

establish a sound homeland security capability within the Air National Guard. Overall, like the Coast Guard, control of the Air National Guard by DHS for Homeland Security will not affect its ability to execute Air Force designated missions.

Important to point out, the Coast Guard has no state function like the ANG does. The Coast Guard example is merely to demonstrate that there has been success in funding homeland security assets and to show that funding ANG homeland security missions through direct DHS funding is a possibility for the ANG to improve its funding capabilities. The ANG would become a fully funded federal entity under DHS. This point is not to dismiss the ANG's role as a state and federal military force.

Why the Air National Guard Structured Within DHS Benefits Both

Structuring the National Guard within DHS would be beneficial to both organizations. The National Guard currently offers valuable operational capabilities and networks for advancing our nation's homeland security posture. One of the most important foundations within ANG is its ties to the state governors and state and local authorities, important when also integrating the Army National Guard. When under the control of the state governor, National Guard personnel generally operate under Title 32 and also activate federally under USC Title 10 identical active duty forces.¹⁵ Since ANG operates under both Titles, it is advantageous for DHS because the National Guard has both civilian and military characteristics that would reduce the friction of competing leadership styles during crisis response operations. ANG's unique dual status is valuable to DHS because it could potentially bridge unity of effort and cooperation between the cultures of civilian homeland agencies within DHS, such as FEMA and CBP, with DOD for emergency responses. The absence of unity of command is what crippled the initial response to Hurricane Katrina in 2005.

Under the current structure within DOD, the National Guard provides assistance to civilian authorities to provide rapid response and capabilities missing from other civilian agencies in order to support an overwhelming scenario. Presently the U.S. Northern Command (USNORTHCOM) provides command and control for DOD's homeland defense missions that include the Air National Guard, and provide land, air, aerospace and maritime capabilities, as well as coordinates DOD's support to civil authorities for homeland security missions.¹⁶ It is also important to note that in connection with homeland security, Title 10 forces pose a problem, as they are restricted from law enforcement duties by the Posse Comitatus Act and must abide by USC Title 10 statutes that only allow Title 10 forces to activate for an emergency for 10 days.¹⁷ The law does not apply to the Coast Guard or to ANG under Title 32. The Title 10 forces must get permission from USNORTHCOM and only act within their chain of command. Incorporating ANG into DHS opens the opportunity to streamline the channels of communication and to remove parallel command during joint and interagency responses to a crisis.

Even Joint Doctrine cautions against parallel commands. Unity of command is emphasized in JP1 and is one of the specified principles of war.¹⁸ JP1 goes on to say, "For interagency coordination, unity of command may not be possible, but the requirement for unity of effort becomes paramount."¹⁹ ANG, with its state roles, already has the networks established with state and local authorities that are essential to develop a good working relationship. The distinctive National Guard dual status *modus operandi* was made even more effective for emergency responses with the 2004 National Defense Authorization Act that modified USC Title 32 by authorizing authority over both federal and state personnel under one National Guard commanding officer. For attacks or disasters within our borders, having this capability is monumental to DHS as Joint publication 3-16 affirms, "because of the absence of a single

commander, the use of a parallel command structure should be avoided if at all possible.”²⁰

Since DHS is the primary agency for homeland security, and for coordinating federal efforts to “detect, prepare for, prevent, protect against, respond to, and recover from terrorist attacks within the United States,” both DHS and the National Guard within its structure would benefit from the merger.²¹

In addition to unifying command authority for joint operations with active duty and DHS agencies, the National Guard provides necessary military capabilities and equipment for homeland security. Reciprocally, structuring under DHS could allow ANG to culturally develop even greater roles, resources and means to enhance its equipment for better homeland security support when called upon. The National Guard offers DHS access to agreements with each ANG unit’s borders states through its Emergency Assistance Compact (EMAC) that make use of the different capabilities within each state’s National Guard.²² In return, the National Guard would benefit from the progression of such relationships collaborated within DHS. Since these agreements already exist, DHS oversight as the lead homeland security agency could expound and develop even greater applications. The focus of homeland security and defense in alignments of state partnerships with EMAC and agencies throughout the nation is better focused under DHS. DHS influence will provide the Air National Guard with leadership that will focus the Air National Guard role on homeland security by making homeland security one of its major mission sets and will take steps in providing adequate attention for developing that first military responder role.

In the 21st century, any adversary, a state or non-state participant, is potentially capable of attacking our homeland. As outlined in the QDR 2010, WMD proliferation is an increasing problem. Homeland security requires the capability to operate in a Chemical, Biological, Radiological, and Nuclear or high yield Explosive (CBRNE) environment if the United States

was attacked with a Weapon of Mass Destruction (WMD) such as a biological or chemical weapon. ANG has numerous resources to enable search and rescue operations after such an attack or after an industrial accident such as the recent disaster in Fukushima, Japan. Known as National Guard CBRNE Enhanced Response Force Packages (NG CERFP), the Guard has some capability to offer but placing the priority within DHS would improve the readiness posture of the program.²³ The ANG offer many additional packages useful for homeland security to include Quick Reaction Forces available to provide protection to critical infrastructure and environmental issues i.e. floods, The National Guard Joint Force Headquarters (JF-HQ) in each state is in charge of Weapons of Mass Destruction – Civil support teams as well as the National Guard Joint CONUS Communications Support Environment that is already established nationwide.²⁴ Furthermore, JF-HQ manages a Homeland Security Information Network link through its Joint Operations Center that links together an unsecured network of DHS systems designed to facilitate sharing of information.²⁵ Therefore, ANG assets would be better protected and sustained for homeland security through DHS.

DHS needs an effective crisis response capability within the National Guard. The National Guard operates in all 50 states and 4 territories and therefore provides a sizable military force available in any part of the country. It is a substantial foundation of homeland security human resources available for helping citizens when called upon. This crucial asset is already invaluable to DHS for crisis response and for assisting civil agencies. The force must be properly staffed, funded and trained. DHS could further develop the National Guard's homeland security effectiveness and make it into a premier homeland entity. DHS attention would make the National Guard capable of a large variety of competent capabilities through delivering education and guidance. For DHS, this reality is paramount. Having National Guard assets throughout the homeland guarantees and ensures capable forces ready within each sector of the country.

The National Guard is loaded with a part time force that has highly trained first responders. Most traditional guardsmen are experienced tradesmen professionals in the civilian workforce. Many work as firefighters, police officers, Emergency Medical Technicians, doctors, nurses and other medical professionals as well as a plethora of additional occupations that collectively bring together a vast wealth of knowledge and experience from many different disciplines. The advantage for DHS control of the National Guard in emergencies is that emergency management personnel, local and state first responders and the National Guard from the affected states already comprise a political, geographic, community and business network of understanding working under the Governor in a state emergency activation.²⁶

Moreover, DHS adds an organization that is emotionally involved within the society it intends to serve and attract the support from the community as a whole thereby boosting National Guard morale, prestige and respect by the local community leaders. DHS would keep the National Guard relevant to its nearby population and encourage the local community towards maintaining a properly funded and ready joint Air National Guard / DHS alliance.

By investing up-front in ANG with funding, guidance and development of the homeland security roles intended for the Air National Guard, DHS would benefit by having a ready and capable military homeland response force. By overseeing training of the ANG's diverse, experienced force for homeland security and developing its capabilities with clear guidance, training and expectations, the ANG will be able to become proficient performing the duties the ANG would execute for homeland security scenarios. DHS would have to provide costly, extensive training initially but the returns would be lucrative over the long-term.

ANG would benefit by gaining more relevance among the leaders in the federal government by increasing its roles and capabilities in homeland security. The ANG would gain additional funding to develop those capabilities. Together, DHS and the federal government

would also benefit by having a cost effective, ready homeland posture. ANG is cost effective for DHS because of its customarily part time composition. Even though the ANG is a part time organization, the military training is the same for Guard and Reserves as it is for the Active Duty components. Outside of its annual 15 active duty days and drill formations and its required proficiency training obligations, the force personnel only have to be paid for the time that they are employed or deployed. Overall, the cost benefits in the long run benefit both ANG and DHS.

Positioning ANG into DHS would potentially relieve the ANG of DOD's misuse. Being connected to the funding of DHS would involve other leadership entities than just DOD. The long deployments lower morale and are devastating to the recruiting and retention of ANG. Protecting ANG from DOD disregard and neglect is essential to its survival as a viable homeland security asset. When DOD deploys the Air National Guard as it would an active force for extended periods, it also removes the first responders of entire communities. For a large city, the issue is not as crucial but smaller communities in the Mid Western US have many who dual serve in ANG and the larger community.

With extended deployments, many in the National Guard fear losing their civilian jobs. By law, employers have to reserve their jobs while on extended active duty in accordance with The Federal Uniformed Services Employment and Re-Employment Rights Act of 1994 (USERRA 38 U.S.C. 4301-4335).²⁷ Yet, the employer is not obligated to promote those individuals. Many are experiencing admonishment in their jobs as a result of extended and frequent deployments. With the help of viable DHS regulation, the National Guard and DOD could propose a better solution to staffing National Guard overseas deployments. Here the National Guard would benefit because DHS would want to address retention issues since both DOD and DHS would invest substantial time and money into training Air National Guard

personnel. If not retaining members and their experience and developments, those investments go to the civilian sector and prevent the experience from passing on to junior members. Having DHS included in the concerns of the Air National Guard ultimately protects it from being overshadowed by imperceptive DOD decision-making. By adding ANG to DHS, both organizations benefit each other and leave the Air National Guard situated to assume the lead military role in homeland security and emergency responses.

Protecting National Guard Resources

One of the most important considerations that must be examined for the Air National Guard is the protection of its resources. If established within DHS, there would be a rebutting voice to counter DOD decisions about pirating Air National Guard equipment and resources and prevent Air National Guard inclusion in monetary decisions. After the Vietnam War, the federal government put a vast quantity of equipment into the Air National Guard to make sure that the Air National Guard would be effectually utilized in the wars of the future. Now the trend seems to be reversing and the National Guard is in jeopardy of losing even more equipment than already taken for Operations IRAQI FREEDOM and ENDURING FREEDOM. The danger is that once the equipment is depleted, that makes the affected units that much more irrelevant in the view of DOD and makes them more vulnerable to future base closings under BRAC and equipment pirating by Active Duty leaders in place throughout the high levels of DOD leadership. With the budget issues facing DOD and the other government agencies, there is the risk that the next wave of Air Force “force shaping” will cripple the Air National Guard and remove all of its assets and reposition them among active duty forces.

The resulting shortfalls of equipment affect training and homeland emergency response capabilities. As a result, readiness of non-deployed units for future operations is in jeopardy.

What's more, DOD so far has failed to outline a plan to replace National Guard equipment as is required by its own policy.²⁸ It is important to emphasize, DOD also has no way to calculate the Guard's preparedness or to replace used up equipment.²⁹ Former National Guard Bureau Chief, LTG Steven Blum, addressed the National Guard equipment issue stating "This is not just because of neglect. This is because of a deliberate national strategy to under-equip and under-resource the National Guard as a strategic reserve."³⁰ His talk to the Senate Armed Services Committee highlights the vulnerability of National Guard Assets to Active Duty DOD ideas. Moreover, a National Defense University Study on WMD suggests "the Armed Forces need more of the specialized chemical and biological defense assets and that too many of these assets reside in the Reserve components."³¹ The excuse is that the National Guard takes too long to mobilize these weapon but they do not consider an attack here on US soil. This is another way for Active Duty to pirate National Guard equipment. As budgets tighten and assets are used up, tendency of Active Duty leaders to look at the guard as a place to take assets could potentially cripple the National Guard in many states. Aligning the National Guard within DHS will restrain a showdown over equipment between the National Guard and Active duty. Structuring the National Guard under DHS would give the National Guard's assets protection in order to have it available for homeland security.

The National Guard Posture Statement addresses the need for modern equipment in the nation guard to remain "successful as defenders of the homeland at home and abroad."³² ANG leaders fear the Air Force will attempt to take their aircraft and missions following force shaping completion and defense budget cuts begin to take effect. They are concerned since National Guard representatives were limited in the study.³³ As the Air Force retires its ageing C130 aircraft, they continually seek to take them from the various ANG units that currently operate them. An attempt was thwarted in 2010 when the NGB agreed to allow aircraft from several

states to be “borrowed” to augment training at Little Rock Air Force Base.³⁴ Under DHS, future attempt will have to be considered by more than just DOD.

For the latest Base Realignment and Closure, the commission intentionally left out National Guard leadership specifically the Adjutants General and state Governors from the decision process.³⁵ The Air Force BRAC signed off by the Secretary of Defense represents the attitude of DOD toward the National Guard and a departure from the inclusive and integrated operations that the ANG and Active Duty Air Force commonly share and violates the intent of the National Military Strategy. The Air Force attempted to remove aircraft and its required equipment from 29 ANG flying units and would have left one third of the states without a flying unit, a detrimental blow to homeland security.³⁶ ANG missions under the Federal Emergency Management Agency (FEMA) were not considered in the evaluation process nor were data related to National Guard homeland defense or homeland security.³⁷ The commission incorrectly gave units low rankings to National Guard units. For example the Delaware Air National Guard received a ranking of 120 out of 154 bases initially and would have resulted in the complete loss of the Delaware Governors ANG mission and severe blow to homeland security. However, after the findings considered homeland security, re-analyzed rankings moved it up to 26.³⁸

If approved by the BRAC Commission, KC-135 and C-130 unit equipped aircraft historically used by Governors in responding to domestic emergencies would only be under the exclusive control of the active-duty Air Force. The Governors’ of all states ability to directly task ANG C-130s, KC-135s and other tactical airlift aircraft and related equipment is critical to the states’ collective ability to respond to local, regional and national emergencies. These aircraft have proven crucial in intra-state and interstate responses to disasters ranging from hurricanes to terrorist attacks.³⁹

The strategic location of the Delaware base near major cities along the eastern seaboard of the United States is crucial for homeland security missions and response times for airlift to large population centers such as Philadelphia, New York, Boston, Washington D.C., Baltimore, Norfolk, etc., following a terrorist attack or natural disaster. Therefore the best solution to protection our National guard assets and therefore our homeland mission is to structure the National Guard in DHS to provide the buffer required to prevent the pirating of our equipment solely to active duty.

Funding the National Guard for Homeland Security

DHS unquestionably realizes the absolute necessity of a well funded National Guard. However, roadblocks in DOD funding prevent using National Guard assets for critical support in homeland security. According to Steven Dinan, “DOD’s decision not to continue the Guard’s use, even though it might be in the national interest to do so, would be based entirely on budget constraints in the Defense Department.”⁴⁰ Placing the Guard into DHS will guarantee a successful program for using Guard assets for homeland security.

By structuring the National Guard into DHS, the overall funding capacity of the National Guard would improve. DOD has no obligation to fund homeland missions. Using the successful approach similar to the Coast Guard, the National Guard would better acquire direct appropriations for funding from DHS to build its capabilities for homeland security while still maintaining its capabilities for its war fighting roles. As addressed by the Government Accounting Office, “there is no plan by DOD or Congress to address a funding strategy for the Guard’s equipment needs for all its missions.”⁴¹ As a result the readiness posture and preparations for future homeland security or crisis management is in danger.

The National Guard is funded currently by the Defense Appropriations Act's provisions. ANG equipment is typically funded through the Air Force procurement accounts in the defense appropriations.⁴² For 2012, the Air National Guard will get 10% of funds the Air Force receives for personnel, 14 percent from Operations and Maintenance funds and only 8 percent of Military constructions funds. The National Guard Bureau then allocates the money to the 54 states and territories' units. However, the money is not distributed evenly.⁴³ Funding and equipment for DOD is appropriated by Congress and becomes law when signed by the President via the National Defense Authorization Act (NDAA). Emergency supplemental DOD appropriations are possible if required. Funding for the National Guard comes from (DOD), to the Departments of the Army and Air Force, then to the National Guard Bureau (NGB) and finally to Army and Air National Guard units.

Current options for funding for the developing needs for homeland security are unmethodical. According to NGAUS:

DOD and DHS cannot agree on what constitutes homeland defense versus homeland security. Neither Department wants to pay for or infringe on the responsibilities of the other. The current approach to funding the National Guard does not provide adequate funding for civil support needs nor does it encourage integration of the National Guard with outside homeland responsible agencies.⁴⁴

DHS, the 3rd largest federal agency, could better fund the homeland mission requirements, training, equipment and facilities for the Air National Guard.⁴⁵ Adding the National Guard to DHS gives a better funding option while the ANG would still be represented by the CNGB to CJSC. This way, ANG will receive the funding required to do both mission sets effectively. With all the focus of DOD on overseas issues, it remains unclear the extent to which DOD would focus on funding civil support capabilities and provide the necessary funding for the Air National Guard to transition to a better trained and equipped homeland security force.⁴⁶

Under the current ANG structure, DOD's funds ANG through its defense appropriations that comprise 90 percent of the National Guard budget each year while states pay for state missions. Most of ANG's funding therefore goes to its federal wartime mission with very little towards civil support. To take a larger role in homeland security missions, more funding will be required to sustain such capabilities. DOD will experience major defense budget cuts in the near future that will prevent any additional ANG civil support funding. According to GAO, "DOD's current policy prohibits procuring and maintaining any supply or material exclusively for civil support."⁴⁷ In order to maintain a successful homeland security mission for the National Guard, DHS will need to fund the program.

For the Coast Guard, DHS is responsible for identifying and prioritizing requirements for its maritime defense missions, allocating resources and formulating its budgets. DOD through the Navy identifies the priorities for the Coast Guard's national defense missions.⁴⁸ Similarly the Air National Guard should have the same structure under DHS for its civil support funding and priorities while maintaining its wartime capabilities outlined by the MAJCOM that currently provides standards ANG has to achieve to maintain its federal responsibilities and state of readiness.

FEMA suggests the federal government should put more money in to funds that allow the DOD to pay governors for the use of the Air National Guard during an emergency. The chief of FEMA emphasized that "no examination of the funds for Title 32 troops would likely occur in the near future due to the austere budget environment facing federal agencies."⁴⁹ However, he suggested transferring money from FEMA's Disaster Relief Fund to the Title 32 disaster response fund to pay for the National Guard. Instead, placing the Air National Guard under DHS organizational structure could streamline the entire fiscal process and fund the Air National

Guard directly then enabling it to receive funds with less “red tape” for homeland response situations.

The National Military Strategy affirms the need for upgrading the National Guard’s posture for homeland defense. Yet, proposed National Guard Operations and Maintenance accounts are “historically underfunded by as much as hundreds of millions of dollars.”⁵⁰

Organizing the Air National Guard under DHS analogous to the Coast Guard is a sound approach to properly funding the National Guard for homeland security. DHS would therefore provide the Air National Guard with funding for its civil support missions directly from DHS appropriation. Without DHS, no direct funding for developing critical requirements and filling capability gaps for efficient emergency response or develop future homeland security roles can be efficiently executed.

DHS/National Guard PME and Training

A trained military force with the expertise for homeland security is crucial to mounting a serious defense of the homeland. Like the creation of West Point to educate military officers in engineering and map making in order to have a professional officer corps, DHS and the Air National Guard could create an educational program to build up homeland security knowledge that would educate National Guard leaders for emergency and crisis management thereby compiling expertise throughout ANG for homeland security. This could be accomplished by developing a Professional Military Education program and facility specifically to educate National Guard officers and civil agency employees on the needs and techniques for defending our homeland against foreign threats, WMD and natural disasters and make it a major skill set among ANG forces.

DHS would support the development of doctrine for the National Guards missions for Homeland Security. The National Guard under DHS would develop Homeland Security and

crisis response experts through advances in career development as National Guard officers are educated to be national security professionals with a joint PME program for National Guard officers and other agencies focused on matters such as emergency management. Such endeavors are unlikely without the Department of Homeland Security providing the *raison d'être* or justification.

For effective homeland security organizational development, ANG will require DHS to administer detailed guidance as to what the specific capabilities for the National Guard homeland responsibilities are to be. Another monumental advantage of structuring the National Guard under DHS is to develop the scope, plans, doctrine and responsibilities for the National Guard's homeland security role. The National Guard needs specific guidelines to consider for training its forces and officers in homeland duties and operations in addition to acquiring resources for homeland capabilities. Under DHS, the homeland role of the National Guard would become one of the primary skill sets and a central function of its operations.

The 2004 National Defense Authorization Act (NDAA) provides DHS a valuable means to better perform a homeland response through the National Guard. As a result it would be incorporated into the training plans and profiles for assuming critical homeland security roles. The National Guard would develop into a professional military homeland response institution and establish critical training profiles to develop those skills. Under USNORTHCOM, a parallel command structure in utilizing the National Guard prohibits a unity of effort because it uses two chains of command.⁵¹ For the chaotic environment of a disaster, the National Guard without DHS risks wasting valuable time and resources. One of Katrina's dilemmas was that responsibilities were split between state controlled and federally controlled resources, all leading to a poor initial response. DHS should develop National Guard commanders specifically trained

and educated for managing large scale disaster response operations and prevent a Katrina debacle from happening again.

To avoid another Katrina, nominated National Guard officers are selected for appointment as dual status commanders for crisis events.⁵² Each state should develop and provide the most capable National Guard leaders to qualify for crisis response dual status command professional duty that would be approved by President, the State, DHS and NGB. This nomination would qualify him to lead forces in response to a homeland attack or disaster as a leading expert in homeland security. The program could be developed to evolve expertise among the National Guard in leading homeland security events and form the professional foundation for homeland response for suitable National Guard Commanders. Under DHS, the National Guard could develop full scale exercises for response scenarios to foster better joint relations among Army and Air National Guard units and among the civilian government in both state and federal organizations. DHS and National Guard units would all develop concepts of operations for employment of forces and outline what their roles would be to a multitude of homeland incidents. Currently no plans are solidly in place and direction under DHS would force the issue to fully make the idea practical. Of note, DOD does not support the National Guard Bureau's expected collaboration with the secretaries of the Army and Air Force for planning multistate operations and facilitating cooperative interagency homeland events.⁵³

Since DHS is the primary focal point for crisis and emergencies planning it could direct and operationally plan the National Guard's requirements for homeland security. Currently it does not. DHS does not conduct detailed operational planning to identify National Guard requirements because it assumes that such planning is the responsibility of the states and DOD.⁵⁴ However, DOD is not doing that function either, "DOD does not engage in planning to identify the resources required for the National Guard to participate in civil support missions because it

assumes that most of those needs are able to be met with its war fighting capabilities and that planning to identify state led missions is the responsibility of the state.”⁵⁵ As a result, the Guard is neglected for civil support by both agencies with each side surrendering responsibility to the other. A reform under DHS is the way to fix the problem.

Conclusion

Placing the Air National Guard in DHS will protect the integrity of the Air National Guard’s wartime responsibilities, secure better funding, protect ANG resources and develop a crisis management expertise throughout the ANG culture ultimately providing a cost effective homeland force available for defending and responding to the US homeland. ANG units are conveniently established in every state and territory and its members have a vested interest in the areas they live unlike Active Duty personnel who change duty stations every few years. Making the homeland the ANG’s primary theater is a logical way to ensure a ready and trained military with a focus on homeland security missions.

The ANG will need guidance and funding to develop and maintain a robust homeland role while continuing its Air Force responsibilities. By structuring the ANG into DHS, the vision becomes attainable as exemplified by the US Coast Guard. DHS itself is still a new and developing agency and adding ANG is beneficial to improving both organizations’ cooperative outlooks.

DHS needs well trained homeland professionals within the military and ANG is the right option to put efforts into developing crisis management experts for homeland security. With DOD coveting ANG equipment and with large budget cuts looming, ANG is in danger of losing its functionality and therefore any availability to assisting DHS in homeland security. With DHS involved in ANG doctrine and planning, ANG even improves its situation within DOD. Overall, the conditions of personnel, relevancy and equipment improve from the dual tasks envisioned.

The ANG will still be a vital part of National Defense and continue to operate its current federal roles but with the added emphasis on homeland security, ANG will then no longer have a secondary status in the Air Force and become the premier homeland agency it needs to be.

Endnotes

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